THE HON'BLE SRI JUSTICE A. GOPAL REDDY
AND
THE HON'BLE SRI JUSTICE NOOTY RAMAMOHANA RAO

TAKEN UP WRIT PETITION NO.23829 OF 2007

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Date: 3.12.2007

Between:

Smt. D. Pramila Kumari … Petitioner

And

The Station House Officer, City Crime Station,
Hyderabad and another. … Respondents.

ORAL ORDER: **(per A. Gopal Reddy, J)**

Fax message dated 4.11.2007 sent by Smt. D. Pramila Kumari, mother of the alleged detenu – Shiva Kumari to the Hon'ble the Chief Justice of this Court alleging that on 4.11.2007 at 2.00 p.m, police personnel of City Crime Station have illegally detained her son and she apprehends danger to his life at the hands of the police, was taken up as a writ of habeas croups and notices were issued to the respondents.

In response to the rule nisi, the Deputy Commissioner of Police, Detective Department, Central Crime Station, Hyderabad filed a counter-affidavit denying the allegations in the fax message and stated that on the basis of a complaint given by one Sri S. Abdul Waheed, Cr.No.85 of 2007 for the

offence punishable under section 420 IPC has been registered wherein the alleged detenu was shown as an accused person. The Banjara Hills Police Station initially registered the above crime, which was subsequently transferred to the 1st respondent for further investigation. The complaint allegations are that that the complainant started BPO service in the name and style of M/s Infomax at 4th Floor, RMK Plaza, Road No.12, Banjara Hills, Hyderabad with the partnership of one Sri P. Srinivas. Prior to establishing the business, the alleged detenu who was said to be the Technical Director of M/s Senator Infotech Pvt. Limited having Head Office at Bhuvaneswar got himself introduced with the complainant through his partner and insisted to start the business of Call Center Based Marketing of U.S.A. Credit cards of various banks and provided campaign to them by collecting service charges of Rs.80,000/-, Voice Minutes Charges of Rs.75,000/- with a promise of commission of US $ 160 for successful/approval cards and US $ 30 for non-approval cards. When the complainant sold 1410 credit cards of various U.S.A. based banks, the accused unloaded the data and diverted the amounts into his personal accounts through Web Site Accounts and thereby cheated him to a tune of Rs.90.00 lakhs. The complaint was registered and during the course of investigation they visited the house of the petitioner on various dates between 8.10.07 and 4.11.2007. On 15.10.2007 the mother of the alleged detenu promised to bring the alleged detenu to the police station within a week but she failed to keep up her promise. During the course of further investigation on 8.11.2007 the petitioner came to the police station along with the alleged detenu and participated in the investigation. The alleged detenu categorically denied to have committed the offence as alleged and, therefore, they could not take any further action in apprehending the alleged detenu in the absence of any material furnished by the complainant in respect of the allegations made.

The petitioner and the alleged detenu who were present in the Court today stated that after interrogation for five hours the alleged detenu was let off on the same day. The mother of the complainant, however, stated that the complainant, at whose instance the crime was registered, is harassing them. If that is so, it is open to the petitioner to approach the police for necessary action and if the petitioner or the alleged detenu files such a complaint, the police shall take necessary steps on the complaint so lodged as per law.

With the above observations, the writ petition is closed.

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A. GOPAL REDDY, J

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3rd December, 2007 **NOOTY RAMAMOHANA RAO, J**

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